

(C) PRICE SETTING.

THE DISTRIBUTOR MAY NOT SET OR MAINTAIN OR ATTEMPT TO SET OR MAINTAIN THE PRICE AT WHICH THE DEALER SELLS ANY PRODUCT, AND THE PRICE OF ANY PRODUCT MAY NOT BE SUBJECT TO ENFORCEMENT OR COERCION BY THE DISTRIBUTOR IN ANY WAY. HOWEVER, THE DISTRIBUTOR MAY COUNSEL WITH THE DEALER CONCERNING PRICES AND MAY SUGGEST PRICES TO HIM.

REVISOR'S NOTE: This subsection presently appears as Art. 23, §167E(4).

The only changes are in style.

It would appear that the legislature intended this provision to apply to all marketing agreements, even in situations where the Maryland Fair Trade Act, Subtitle 1 of this Title, might otherwise permit the setting of resale prices.

(D) HOURS OF BUSINESS.

UNLESS THE REQUIREMENTS ARE EXPRESSEDLY SET FORTH IN THE MARKETING AGREEMENT, THE DISTRIBUTOR MAY NOT REQUIRE THE DEALER TO KEEP HIS RETAIL OUTLET OPEN FOR BUSINESS FOR ANY SPECIFIED NUMBER OF HOURS PER DAY OR DAYS PER WEEK.

REVISOR'S NOTE: This subsection presently appears as Art. 23, §167E(1).

It has been revised to delete the possible, but clearly unintended, implication that an unrelated third party, such as a non-distributor landlord under a percentage lease, would also be precluded from requiring the dealer to maintain any specified business hours.

The only other changes are in style.

(E) PROMOTIONS.

THE DISTRIBUTOR MAY NOT REQUIRE THE DEALER TO USE ANY PROMOTION, PREMIUM, COUPON, GIVE-AWAY, OR REBATE IN THE OPERATION OF THE BUSINESS. HOWEVER, IF NOT OTHERWISE PROHIBITED BY LAW, THE DEALER MAY PARTICIPATE IN A PROMOTIONAL, PREMIUM, COUPON, GIVE-AWAY, OR REBATE PROGRAM SPONSORED BY THE DISTRIBUTOR.

REVISOR'S NOTE: This subsection presently appears as Art. 23, §167E(5).